

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TONY LEON COVILLE,

Petitioner,

vs.

SPOKANE COUNTY SHERIFF,

Respondent.

NO. CV-08-130-JPH

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
FIRST AMENDED PETITION**

Magistrate Judge Hutton filed a Report and Recommendation on July 17, 2008, recommending Mr. Coville's First Amended Petition be dismissed for lack of jurisdiction as Mr. Coville was not in custody. After reviewing the Report and Recommendation and there being no objections, the Court **ADOPTS** the Report and Recommendation. The Petition is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, forward a copy to Petitioner and close the file.

DATED this 4th day of August 2008.

S/ Edward F. Shea
EDWARD F. SHEA
UNITED STATES DISTRICT JUDGE

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PETITION -- 1